

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BIO ENTERPRISES, INC.,	:	
	:	07 Civ. 7049 (VM)
Plaintiff,	:	
	:	<u>CONDITIONAL</u>
- against -	:	<u>ORDER OF DISCONTINUANCE</u>
	:	
IDEAL HEALTH, INC.,	:	
	:	
Defendant.	:	
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VICTOR MARRERO, United States District Judge.

Magistrate Judge James C. Francis, IV, to whom this case was referred for pretrial supervision, having notified the Court, by memorandum dated April 3, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

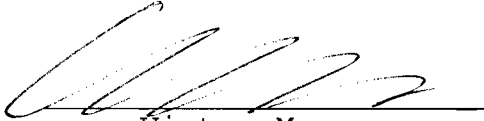
plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
April 3, 2008



Victor Marrero  
U.S.D.J.